

responsible for interfacing local end users with the remainder of the heterogeneous network, each communications manager receiving distribution units from end users, the distribution units being assigned various priority levels and levels of assurance. Abstract, lines 3-9. The Bixby reference further refers to configuring the distribution unit according to a network protocol stack existing between the communications managed and an adjacent communications manager, the distribution units being transmitted according to priority. Abstract, lines 9-16. The Bixby reference also purportedly concerns load distribution among a complex of processors that share common functions, as well as control of information flow between adjacent communications managers. Abstract, lines 16-23.

In contrast, claim 12 concerns a method for transmitting information, comprising the steps of:

*using a data structure that is defined by a formal language called Abstract Syntax Notation One; and
transmitting information encoded as text.*

It is respectfully submitted that the Bixby reference does not in any way identically describe (as it must for anticipation) (or even suggest) the foregoing features of claim 12, which include using a data structure that is defined by a formal language called Abstract Syntax Notation One and transmitting information encoded as text. The Office Action cites to column 57, lines 1-5 of the Bixby reference. In fact, the Bixby reference recites the following:

Agent and Director communication – Information is transmitted between Directors and Agents (in any combination) in a standardized encoding Format. This format is defined in Abstract Syntax Notation One (ASN.1) and transmitted in the Basic Encoding Rules for ASN.1 format. The Systems Management process translates between the local instance of this information, for example the MIB or the local DBMS, and BER encoding- [sic] These encodings are formatted as Distribution Units in the SMDU format and are transmitted between the Director and the Agent by the Communications Manager. However, for those special instances where both the Director and the Agent are locally co-resident in the same operating system environment, the transmission between the two may be locally implemented, but must use the ROSE and CMIP Protocol Data Units (PDU's), and BER encodings. [Bixby reference, column 57, lines 1-18 (italics added)]

Claim 12 relates to a method for transmitting information whose structure is defined by the formal language of Abstract Syntax Notation One (ASN.1). **Instead of**

transmitting the information as binary information, *e.g.*, using BER (Basic Encoding Rules) encoding, claim 12 recites that the information is transmitted as text in an encoded form. The Bixby reference at column 57 recites that it transmits its information using BER encoding – in direct contrast to the present invention as claimed in claim 12. The method of the present invention, as claimed in claim 12, allows use of customary text-based transmission protocol (such as email), and the encoded contents can be read (*i.e.*, decoded) without accessing additional tools/references. See Specification.

Accordingly, it is respectfully submitted that the Bixby reference does not identically describe (or even suggest) all the features of claim 12, and withdrawal of the anticipation rejection is therefore respectfully requested.

Claims 13 to 16 and 21 depend from claim 12, and are thus allowable for at least the same reasons as claim 12.

As further regards the anticipation rejections, to reject a claim under 35 U.S.C. § 102(b), the Office must demonstrate that each and every claim limitation is identically disclosed in a single prior art reference. (*See Scripps Clinic & Research Foundation v. Genentech, Inc.*, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991)). Still further, not only must each of the claim limitations be identically disclosed, an anticipatory reference must also enable a person having ordinary skill in the art to practice the claimed invention, namely the inventions of the rejected claims. (*See Akzo, N.V. v. U.S.I.T.C.*, 1 U.S.P.Q.2d 1241, 1245 (Fed. Cir. 1986)). In particular, it is respectfully submitted that, at least for the reasons discussed above, the Bixby reference relied upon would not enable a person having ordinary skill in the art to practice the subject matter of the rejected claims, as discussed above.

Since the Bixby reference does not identically describe (or even suggest) each of the recited features of claims 12 to 16 and 21 as discussed above – as it must for anticipation – it is respectfully submitted that 12 to 16 and 21 are allowable for the above reasons.

Accordingly, Applicants respectfully request that the rejections of claims 12 to 16 and 21 be withdrawn, and that those claims be held allowable.

Claims 17 to 20 were rejected under 35 U.S.C. § 103(a) over the Bixby reference in view of U.S. Patent No. 5,836,008 to Goumillou (the "Goumillou reference").

Claims 17 to 20 depend from claim 12. As discussed above, the Bixby reference does not describe or even suggest at least the foregoing features of claim 12, which include using a data structure that is defined by a formal language called Abstract Syntax Notation One and transmitting information encoded as text.

Moreover, the secondary Goumillou reference does not cure the deficiencies of the Bixby reference. The Goumillou reference purportedly concerns a system for transmitting information between a source and a receiver via a network to which is connected telecommunications equipment (comprised of a plurality of interfaces for various communication services) and an interface between the telecommunications equipment and external administration equipment. Abstract, lines 1-6. The Goumillou reference does not describe or even suggest at least the foregoing features of claim 12, which include using a data structure that is defined by a formal language called Abstract Syntax Notation One and transmitting information encoded as text.

Accordingly, it is respectfully submitted that neither the Bixby reference nor the Goumillou reference, alone or in combination, describe or even suggest the foregoing features of claim 12. Thus, since claims 17 to 20 depend from claim-12, those claims are allowable for at least the same reasons as claim 12.

Claim 22 was rejected under 35 U.S.C. § 103(a) over the Bixby reference in view of U.S. Patent No. 5,892,950 to Rigori *et al.* (the "Rigori reference").

Claim 22 depends from claim 12. As discussed above, the Bixby reference does not describe or even suggest at least the foregoing features of claim 12, which include using a data structure that is defined by a formal language called Abstract Syntax Notation One and transmitting information encoded as text.

Moreover, the secondary Rigori reference does not cure the deficiencies of the Bixby reference. The Rigori reference purportedly concerns an applications programming interface to a telecommunications management network having a command language interpreter and a compiler. Abstract, lines 1-3. The interpreter includes interpreter scripts for converting the network management parameters between the command string format and a network management protocol compatible format. Abstract, lines 5-8. The compiler compiles interpreter scripts for encoding and decoding user defined parameter types, which are then loaded dynamically to the interpreter. Abstract, lines 8-11. The Rigori reference does not describe or even suggest at least the foregoing features of claim 12, which include using a data structure that is defined by a formal language called Abstract Syntax Notation One

and transmitting information encoded as text.

Accordingly, it is respectfully submitted that neither the Bixby reference nor the Rigori reference, alone or in combination, describe or even suggest the foregoing features of claim 12. Thus, since claim 22 depends from claim 12, that claim is allowable for at least the same reasons as claim 12.

As further regard the obviousness rejections, to reject a claim as obvious under 35 U.S.C. § 103, the prior art must disclose or suggest each claim element and it must also provide a motivation or suggestion for combining the elements in the manner contemplated by the claim. (See Northern Telecom, Inc. v. Datapoint Corp., 908 F.2d 931, 934 (Fed. Cir. 1990), cert. denied, 111 S. Ct. 296 (1990); In re Bond, 910 F.2d 831, 834 (Fed. Cir. 1990)). Thus, the "problem confronted by the inventor must be considered in determining whether it would have been obvious to combine the references in order to solve the problem." Diversitech Corp. v. Century Steps, Inc., 850 F.2d 675, 679 (Fed. Cir. 1998).

Also, to the extent that the Office Action recites conclusory and unsupported assertions to wrongly conclude that the Bixby, Goumillou, and/or Rigori references disclose or even suggest, inherently or otherwise, the features of the claims discussed above, it is respectfully requested pursuant to 37 C.F.R. § 1.104(d)(2) that the Office Action provide an affidavit and/or published information concerning such assertions. In this way, the Applicants may have a fair opportunity to meaningfully and specifically address objective evidence -- as provided for by Rule 104.

Accordingly, Applicants respectfully request that the rejections of claims 17 to 20 and 22 be withdrawn, and that those claims be held allowable.

In summary, it is respectfully submitted that all of claims 12 to 22 of the present application are allowable at least for the foregoing reasons.

CONCLUSION

In view of all of the above, it is believed that the rejections of the claims have been obviated, and that all currently pending claims 12 to 22 are allowable. It is

therefore respectfully requested that the rejections be reconsidered and withdrawn, and that the present application issue as early as possible.

If for any reason the Examiner believes that contact with Applicants' attorney would advance the prosecution of this application, please contact the undersigned at the number given below.

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